

## **AMENDMENT TO THE FIGURES**

Please add figures 6 through 16 as found on the eleven new sheets of figures.

## **REMARKS**

This is in response to the Office action dated April 11, 2005, in which claims 1-28 were allowed. The applicant is appreciative of the allowance of these claims. The applicant herein includes an amendment to the specification, claims, and figures; a petition under 37 C.F.R. 1.53(e); copies of the two figures indicated to have been omitted, and evidence supporting the applicant's belief that these figures were in fact deposited with the USPTO with the application papers; drawings that illustrate claim features in accordance with the instructions in the previous Office action; and accompanying remarks.

### **Amendments To Specification, Claims, and Figures**

The specification, claims, and figures have been amended in accordance with practice under Ex parte Quayle. It is believed that all amendments thereto conform to the guidance in the Office action, and include only subject matter that was available from the application as filed, and do not contain new matter.

The title of the invention was found not to be descriptive, and a replacement title was suggested. The applicant has amended the specification herewith to replace the title with the replacement title suggested by the examiner. The specification has also been amended to correspond with the new figures.

Claim 19 has been amended to correct an inadvertent omission of one word. The omission and the nature of the correct wording would have been apparent to a person of ordinary skill in the art.

### **Missing Drawings**

The examiner stated that only three sheets of drawings, comprising figures 1-3, were filed on November 17, 2003, and that the specification also refers to figures 4 and 5. This is apparently the first notice the applicant has received of omitted items in the application. The applicant believes figures 1-5 were included in the application as filed on November 17, 2003. Accordingly, the applicant hereby petitions the Director under 37 C.F.R. 1.53(e) to accord the original filing date of November 17, 2003 for figures 4 and 5. The fee set forth in 37 C.F.R. 1.17(f)

for filing a petition under 37 C.F.R. 1.53(e) is enclosed. The applicant requests that this petition fee be refunded, as set forth in M.P.E.P. §601.01(g), if it is determined that figures 4 and 5 were in fact received by the Office with the application papers deposited on November 17, 2003, as is the applicant's belief.

As evidence in accordance with M.P.E.P. §601.01(g), under "Applicant Entitled to a Filing Date", paragraph (C), that figures 4 and 5 were deposited with the application papers deposited on November 17, 2003, the applicant has enclosed: (1) a copy of the date-stamped return postcard that was dated and transmitted with the application, and that was stamped by the Office, indicating that "Drawings (5 pages)" were enclosed with the application as filed on November 17, 2003; (2) a copy of the patent application transmittal sheet, filed with the patent application on November 17, 2003, also indicating that five sheets of drawings were included; and (3) identical copies, to counsel's knowledge and belief, of the original sheets comprising figures 4 and 5 as filed with the application on November 17, 2003. The applicant believes this provides sufficient evidence to support acceptance of the applicant's petition by the Director under 37 C.F.R. 1.53(e) to accord the original filing date of November 17, 2003 for figures 4 and 5, and requests that the Director respond favorably to this petition.

The applicant has also enclosed herein four replacement sheets comprising formal drawings of figures 1-5, and asks that the original figures 1-5 be replaced by the enclosed formal drawings of figures 1-5.

### **Objection to the Drawings**

The examiner objected to the drawings, noting the requirement for the drawings to show every feature of the invention specified in the claims, and stating that the adaptation of the DCF encoder [claims 2-7], the adaptation of the parity encoder [claims 8-19], the adaptation of the RLL encoder [claim 23], and the decoder [claim 24] must be shown or canceled from claims 2-19, 23 and 24.

The applicant points out that figure 5 provides support for the subject matter of claims 2-7 and claims 8-19. The applicant maintains that the subject matter of claims 2-7 and 8-19 is also supported by figure 2, and the subject matter of claims 2-7, 8-19, and 23 is also supported by

figure 3. Therefore, the applicant believes that the figures provide support for the subject matter of claims 2-7, 8-19, and 23.

The applicant also includes herein new sheets comprising new figures 6 through 16, along with appropriate amendments to the specification to refer thereto, and in accordance with practice under Ex parte Quayle. New figures 6 through 16 are believed to comply with 37 C.F.R. 1.83. Specifically, figures 6 through 16 depict, in figure form, subject matter that was plainly inherent to the figures and specification in the application as originally filed, such that figures 6 through 16 do not comprise new matter. Therefore, the applicant believes figures 6 through 16 sufficiently support the subject matter of claims 2-7, 8-19, 23 and 24, and comply with the examiner's requirement under 37 C.F.R. 1.83(c) for such additional supporting illustration. The applicant therefore respectfully requests that the objection under Rule 83(a) be considered resolved and that the allowed claims 2-7, 8-19, 23 and 24 not be canceled.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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